



**Sprint Nextel**

2001 Edmund Halley Drive  
Reston, VA 20191  
Office: (703) 433-8525 Fax: (703) 433-4142  
Mobile: (703) 926-5933

**Trey Hanbury**

September 13, 2005

BY ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
The Portals  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: WT Docket Nos. 03-66, 02-364  
*Ex Parte Presentation*

Dear Ms. Dortch:

Lawrence Krevor and I met yesterday with Fred Campbell, acting Wireless Legal Advisor to Chairman Kevin Martin. We discussed the attached presentation.

Under section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b), please associate this letter with the above-referenced dockets.

Sincerely,

[/s/ Trey Hanbury](#)

Trey Hanbury  
Senior Counsel  
Sprint Nextel Corporation

CC: Fred Campbell

# **Wireless Interactive Multimedia Services in the 2.5 GHz Band: Sprint Nextel Regulatory Perspective**

Sprint Nextel Corporation

# 1. Accelerate Broadband Deployment

- Affirm Use of Secondary Markets Rules for 2.5 GHz Leases
- Provide Comparable Facilities and Relocation Spectrum for BRS-1 and BRS-2 Operations
  - Require New AWS Licensees to Relocate Operational BRS-1 and BRS-2 Services Prior to Deployment
  - Provide for Comparable Replacement Spectrum, particularly for BRS-1, which is slated for co-channel relocation with BAS, ISM, and MSS
- Improve Height Benchmarking Rule
- Prevent Interference from High-Site Transmitters
- Require Substantial Service of Licensees

## 2. Accelerate the Transition Process

- Adopt BTA-sized Transition Areas, Not MEA-sized Areas
- Affirm Rules Against Opting-Out of a Coordinated Transition
- Eliminate the Co-Proponent Mandate
- Minimize Future Disputes
  - Establish deadlines for responding to data requests
  - Permit data requests to ask for contact information
  - Affirm obligation to keep licensee information up to date
  - Establish a standard format and process for information exchange
- Simplify Reimbursement Rules by Codifying Football-Splitting Rule
- Eliminate the One-Strike Rule
- Allow Self-Transitions within Limits
- Simplify the Post-Transition Notification Process

# Affirm Secondary Markets Rules

- The Commission should affirm its decision not to impose arbitrary limits on the ability of parties to negotiate lease term renewals.
- **Increase investment.** Commercial operators need lease terms long enough to fully recoup the substantial facilities-based investment planned for the EBS spectrum.
  - The shorter the lease term, the less any lessee can and will invest in the subject of the lease.
  - As the Commission has held, licensees “should generally have ... license terms of sufficient length, with reasonable renewal expectancy, to encourage investment.”
- **Ensure regulatory parity.** A level playing field should exist in the highly competitive market for wireless services. EBS lessees should have the same flexibility to reach mutually agreeable contract terms as any other lessees subject to the *Secondary Markets Order*.
- **Promote EBS licensee’s educational mission.** Permitting parties to negotiate renewal terms promotes the educational purposes of EBS by minimizing costs to licensees and maximizing potential revenue.
  - The Commission should not prevent EBS licensees from selecting the marketplace agreement that best meets their needs.
  - EBS licensees are free not to lease, to reject renewal provisions or to negotiate renewal terms that are tailored to their individual needs.

# Require Relocation of BRS-1 and BRS-2

- Provide Comparable Facilities and Relocation Spectrum for BRS-1 and BRS-2 Operations
  - All parties agree AWS (downlink) and BRS1/2 (uplink) operations are incompatible.
  - Under the longstanding principles of the *PCS Relocation Order*, AWS new entrants must relocate BRS-1 and BRS-2 to the new spectrum and provide comparable facilities prior to commencing operations.
  - To make rational investment decisions about deploying in BRS-1 and BRS-2, licensees need to know when they will be relocated and under what terms.
- Sprint Nextel currently offers fixed wireless broadband service to more than 20,000 subscribers using its BRS-1 and BRS-2 spectrum licenses; other operators serve many more.
  - Many of these consumers are located in rural areas with no other broadband service available.
  - The question of whether and when relocation of these subscribers will occur should not be left to the whim of AWS new entrants.
    - o Aside from Sprint Nextel and other BRS-1 and BRS-2 licensees that may bid in the AWS auction, new AWS entrants have no incentive to prevent harmful interference to existing broadband customers in the 2.1 GHz band.
    - o Relocation is not inordinately costly given the number of subscribers involved, but is essential to avoid outages and disruptions in broadband service to consumers.